

Cash Bail Programs

Directive #1-73
Issued by:

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Acting Administrative Director

A number of inquiries have been received concerning the last sentence of R. 3:26-4(a), which reads as follows:

"In any county, with the approval of the Assignment Judge, a program may be instituted for the deposit in court of cash in the amount of 10 percent of the amount of bail fixed."

The inquiries are whether such a cash bail program is mutually exclusive of surety bail. The Supreme Court has determined that it is not, and a defendant may avail himself or herself of surety bail, provided he or she has been clearly advised of the availability of any cash bail program that may have been approved and in existence in a given county.

EDITOR:S NOTE

The only changes have been the deletion of the last paragraph, which directed the Assignment Judges to advise all judges to comply with the Court's determination wherever an approved cash bail program had been instituted, and the addition of the feminine pronouns necessary to render the language gender-neutral.